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TO:

Name: Mail Stop AF
Group Art Unit 3733
Examiner Richard R. Shaffer

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/802,906
Gary K. Michelson

Filed: March 17, 2004

**ORTHOPEDIC IMPLANT WITH LOCKING
ELEMENT (as amended)**

Attorney Docket No. 101.0058-03000

Customer No. 22882

Confirmation No.: 5309

FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 10

Date: June 9, 2008

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I hereby certify that the attached Transmittal Form (in duplicate) and Reply After Final are being facsimile transmitted to the U.S. Patent and Trademark Office on June 9, 2008.



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FORM PTO-1083

Attorney Docket No.: 101.0058-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/802,906

Filed: March 17, 2004

For: ORTHOPEDIC IMPLANT WITH
LOCKING ELEMENT (as amended)

Confirmation No.: 5309

Art Unit: 3733

Examiner: Richard R. Shaffer.

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Reply After Final in reply to the Final Office Action dated April 8, 2008 in the above-identified application.

- ☒ No additional fee is required.
- ☐ Applicant hereby requests a ***-month extension of time to respond to the above office action.
- ☐ An Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO/SB/08 are enclosed.
- ☐ The total amount of \$***.00 to cover the ***-month extension fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726.
- A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: June 9, 2008

By: 

Amedeo F. Ferraro

Registration No. 37,129

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (310) 286-9800
Facsimile: (310) 286-2795

Transmittal 6-9-08

FORM PTO-1083

Attorney Docket No.: 101.0058-03000
Customer No. 22882

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MARTIN & FERRARO, LLP

Date: June 9, 2008

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RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3733

PATENT
Attorney Docket No. 101.0058-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No.: 5309
Gary K. Michelson)	
Serial No.: 10/802,906)	Group Art Unit: 3733
Filed: March 17, 2004)	Examiner: Richard R. Shaffer
For: ORTHOPEDIC IMPLANT WITH)	
LOCKING ELEMENT (as amended))	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY AFTER FINAL

In reply to the Final Office Action of April 8, 2008 and pursuant to 37 C.F.R. § 1.116, Applicant submits the following remarks:

I. 35 U.S.C. § 112, First Paragraph Rejection

In the Office Action, the Examiner rejected claims 7-51 (including independent claims 7, 42, and 47) under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Regarding independent claim 7, the Examiner contends that "there is no disclosure as originally filed stating that deformation does not take place (at least to some degree) especially in the stated possibilities of the base of the locking element acting as a cam." (Office Action, page 2, fourth full paragraph.) Furthermore, regarding independent claims 42 and 47, the Examiner contends that "there is no disclosure defining the elasticity of the locking element in order to use terminology such as elastic, non-elastic, rigid, etc." (Office Action, page 3, first full paragraph.) Contrary to the Examiner's contentions, however, Applicant submits that independent claims 7, 42, and 47 are fully supported in the specification so as to

Reply After Final 6-09-08